

5894. Adulteration and misbranding of cocoa. U. S. * * * v. Henry V. Stollwerck (Victor Chocolate Works). Plea of guilty. Fine, \$10.
(F. & D. No. 6548. I. S. Nos. 20291-1, 21103-m.)

On August 21, 1917, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry V. Stollwerck, trading as the Victor Chocolate Works, Jersey City, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 11, 1916, and May 12, 1916, from the State of New Jersey into the State of New York, of quantities of cocoa which was adulterated and misbranded. The article was invoiced in part as "Peerless Brand Cocoa."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Shipment of—	May 12, 1916.	May 11, 1916.
	<i>Per cent.</i>	<i>Per cent.</i>
Moisture (100° C.).....	5.60	3.60
Ether extract.....	16.87	17.12
Crude fiber.....	7.33	7.86
Ash.....	8.33	8.80
Water insoluble ash.....	5.36	4.79
Ash insoluble in 10 per cent HCl.....	1.50	2.59

Products consist of cocoa powder, containing an excessive amount of crude fiber and mineral matter.

Adulteration of the article in each shipment was alleged in the information for the reason that certain substances, to wit, cacao shells and cacao dust, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for cocoa, which the article purported to be.

Misbranding of the article in each shipment was alleged for the reason that the statement concerning it and the ingredients and substances contained therein appearing on the barrels, to wit, "Cocoa," was false and misleading in that it represented to purchasers that the article was cocoa, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers in the belief that it was cocoa, whereas, in fact and in truth, it was not, but was a mixture of cocoa, cacao shells, and cacao dust, and for the further reason that it was an imitation of another article, to wit, cocoa, and was offered for sale under the name of another article, to wit, cocoa.

On October 15, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*